

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

DAVID JANNETTI, SARAH LYN  
JANNETTI, ADAM JANNETTI, and  
LEAH JANNETTI,

Case No.: 1:25-CV-21176-DPG

Petitioners,

v.

STIFEL, NICOLAUS & CO., INC.,

Respondent.

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**PETITIONERS' NOTICE OF RESPONSE TO  
RESPONDENT'S SECOND NOTICE OF SUPPLEMENTAL AUTHORITY**

The *Duryea* ruling is no different than the *Sustana* ruling previously submitted by Respondent [ECF No. 47], and it is inapplicable for the same reasons [ECF No. 50]. As in *Sustana*, *Duryea* involved removal of a potential arbitrator *prior* to the ranking of arbitrators. The request was decided under Rule 12407(a), which permits removal if it is “reasonable to infer” the *potential* arbitrator is biased. Here, Respondent sought to remove Charny *after* commencement of the first hearing session. Respondent’s request was denied under Rule 12407(b), which permits removal of an arbitrator after the hearing begins only if the arbitrator fails to disclose information required to be disclosed that was not previously known by the parties.

Moreover, the Rule 12407(a) removal standard is less strict than the FAA standard to vacate for evident partiality. Rule 12407(a) permits removal if it is “reasonable to infer” bias, while the FAA requires evidence of bias that is direct and definite. The Director in *Duryea* ruled that it was “reasonable to infer” bias, which is the type of speculation that cannot support a

finding of evident bias under the FAA. Thus, the ruling constitutes an administrative decision that has no precedential or persuasive value.

Dated: January 15, 2026

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Petitioners' Notice of Response to Respondent's Second Notice of Supplemental Authority was served on this 15<sup>th</sup> day of January, 2026 on all counsel of record via the Court's CM/ECF system.

/s/ Jonathan E. Minsker  
Jonathan E. Minsker